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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	Group Art Unit: 2178
Gerald F. McBrearty et al.	:	Intellectual Property
Serial No: 09/899,454	:	Law Department - 4054
Filed: 07/05/2001	:	International Business
Title: BOOKMARKS FOR WORLD	:	Machines Corporation
WIDE WEB DOCUMENTS WITH	:	11400 Burnet Road
INDICATORS OF THE HIT RATES	:	Austin, Texas 78758
FOR THE WEB DOCUMENTS FROM	:	CUSTOMER NUMBER 32,329
THE WEB SITES SENDING THE	:	
DOCUMENTS	:	
Date: 5/20/05	:	

CERTIFICATE OF MAILING

I hereby certify that this correspondence including a Brief on Appeal (in triplicate) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on 5/20/05.

J.B. KRAFT

Signature J.B. Kraft Date 5/20/05

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 CFR 1.192(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is Appellants' Brief (in triplicate) in this Appeal from a decision of the Examiner dated January 12, 2004 finally rejecting claims 1-36.

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Please charge our Deposit Account No. 09-0447 in the amount of $500.00.

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Respectfully submitted,

J. B. Kraft 5/20/05

J. B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

PLEASE MAIL ALL CORRESPONDENCE TO:

Herman Rodriguez
IPLaw Dept. - IMAD 4054
IBM Corporation
11400 Burnet Road
Austin, Texas 78758

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BRIEF ON APPEAL

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal from the Final Rejection of Claims 1-36 of this Application dated January 12, 2005. VIII. Appendix containing a copy of each of the Claims is attached.

I. Real Party in Interest

The real party in interest is International Business Machines Corporation, the assignee of the present Application.

II. Related Appeals and Interferences

None

III. Status of Claims

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are 36 claims in this Application.

B. STATUS OF ALL THE CLAIMS

1. Claims cancelled: None.
2. Claims withdrawn from consideration but not cancelled: None.
3. Claims pending: 1-36.
4. Claims allowed: None.
5. Claims rejected: 1-36.

C. CLAIMS ON APPEAL

Claims on appeal: 1-36.

IV Status of Amendments

No amendments have been filed after Final Rejection.

V. Summary of Claimed Invention

Bookmarking stores at a receiving display station direct links to the bookmarked documents and pages for future access so that the user may avoid cumbersome locating and addressing of the Web documents. While bookmarks have been a significant means of time saving on the Web, there remain many causes of user delay and frustration on the Web. A major source of such delay remains the fluctuations in demand, i.e. rates of "hits" or requests for Web pages/documents from Web sources or sites. The present invention solves this problem by providing at a receiving i.e. Web document requesting station (requesting Web station 53, Fig.2 of present specification), in association with a displayed list of bookmarks (62-70, Fig. 5) for Web documents, displayed data on the rates of transmission (high load 70 and low load 71, Fig. 5) of each listed bookmarked Web document. In this way, the user at the receiving station may judge before requesting a listed bookmarked Web document whether a high transmission rate will mean a delay in accessing a particular bookmarked Web document.

VI. Grounds of Rejection

Claims 1-6, 8-18, 20-30 and 32-36 are rejected under 35 USC 103(a) as unpatentable over Ryan et al. (US6,421,675) in view of the Pitkow Publication (US2002/0016786).

Claims 7, 19, and 31 are rejected under 35 USC 103(a) as unpatentable over Ryan et al. (US6,421,675) in view of the Pitkow Publication (US2002/0016786) further in view of Burke (US6,032,162).

VII. Argument

Claims 1-6, 8-18, 20-30 and 32-36 are unobvious over the combination of Ryan et al. (US6,421,675) in view of the Pitkow Publication (US2002/0016786), and, therefore, are patentable under 35 USC 103(a).

Ryan does not suggest the claimed invention or even a system or process which suggests that it would be modifiable to practice the present invention. Ryan does not even suggest the problem which the present invention solves.

Bookmarking stores at a receiving display station direct links to the bookmarked documents and pages for future access so that the user may avoid cumbersome locating and addressing of the Web documents. While bookmarks have been a significant means of time saving on the Web, there remain many causes of user delay and frustration on the Web. A major source of such delay remains the fluctuations in demand, i.e. rates of "hits" or requests for Web pages/documents from Web sources or sites. Busy Web sites may be the cause of costly delays in retrieving Web documents.

The present invention solves this problem by providing at a receiving i.e. Web document requesting station, in association with a displayed list of bookmarks for Web documents, displayed data on the rates of transmission of each listed bookmarked Web document. In this way, the user at the receiving station may judge before requesting a listed bookmarked Web document whether a high transmission rate will mean a delay in accessing a particular bookmarked Web document.

Ryan et al. (US6,421,675) - Basic Reference

The Ryan patent does not suggest Applicants' novel claimed solution. The Ryan patent does recognize that hit rates i.e. transmission activity rates are tracked for the sources or sites from which Web documents are sent. Ryan teaches the use of these tracked transmission rates only for a variety of search engine algorithms i.e. processes for searching the Web for documents. However, there is no suggestion in Ryan that the transmission rates of bookmarked Web documents be displayed at the receiving station which has bookmarked such Web documents. In fact, Applicants fail to even find a mention of bookmarking Web documents for any purpose in the basic Ryan reference. The Examiner has referenced Column 4 in Ryan, but all that section appears to be dealing with is a search algorithm which manipulates input data and produces a displayed search result. Ryan is concerned with searching for documents on the Web but not with retrieving already found and bookmarked Web documents.

The Examiner cites column 7, lines 15-30 as teaching the display of Web document source transmission activity or hit rates in connection bookmarked Web documents at a document receiving station. Actually, this section describes an algorithm which does deal with Web source or site transmission activity or hit rates but only as part of a search engine activity. There is never any suggestion of displaying such activity rates in association with displayed bookmarked documents at a receiving Web station.

Pitkow et al. (Pub. No. US2002/0016786)

The Pitkow publication fails to make up for these deficiencies in the basic Ryan reference. All Pitkow

appears to discuss in Section (0136) cited by Examiner is the vague and general concept that bookmarked Web documents at a receiving Web station may be categorized. Again, this is quite remote from, and not suggestive of displaying such activity rates in association with a list of displayed bookmarked documents at a receiving Web station.

Dependent claims 3-6, 15-18, and 27-30

Dependent claims 3-6, 15-18, and 27-30 are patentable for all of the reasons set forth hereinabove. In addition, they include a variety of techniques for tracking the transmission rates, e.g. hit rates of Web sites. The Examiner points out sections in Ryan disclosing a variety of techniques for tracking the transmission rates, e.g. hit rates of Web sites. However, Applicants do concede that various techniques exist for determining the communication activity rates for Web sites. All Ryan teaches is that such activity rated Web sites may be integrated into search engine activities. In a search engine such as that described in Ryan, the search engine remote from the receiving display station carries out, for example, a word search on the Web. In deciding which paths to take in the Web search, the search engine conventionally uses processes which involve transmission rates and activities at various potential Web sites or sources of Web documents being searched for. All Ryan discloses is the use of such transmission rates in such search algorithms. It is submitted that this process is completely different from Applicants' current invention involving displaying such activity rates in association with a list of displayed bookmarked documents at a receiving Web station.

Dependent claims 9-12, 21-24, and 33-36

Dependent claims 9-12, 21-24, and 33-36 cover the use of Web browsers, associated with the receiving display stations at which the transmission rates of the sources of listed bookmarked Web documents are displayed, to access and provide such transmission rates. These browsers are the same browsers which bookmark the respective Web documents. The Examiner cites sections in Ryan as covering equivalent accessing of such transmission rates. However, as set forth above, all Ryan discloses is the use of such transmission rates in such search algorithms e.g, in deciding which paths to take in the Web search. The search engine conventionally uses processes which involve transmission rates and activities at various potential Web sites or sources of Web documents being searched for. Carrying out such functions in search engines is completely different from carrying out such functions by the Web browser which manages bookmarking for a receiving display station, e.g. as defined in claims 10, 22, and 34 wherein the Web browser itself (without an intervening search engine) requests the hit rates for a plurality of its bookmarked documents directly from their Web source site.

Dependent claims 7, 19, and 31 are unobvious over the combination of Ryan et al. (US6,421,675) in view of the Pitkow Publication (US2002/0016786), further in view of Burke (US6,032,162) under 35 USC 103(a).

The rejection of remaining dependent claims 7, 19, and 31 also under 35 USC 103(a) over the above combination of Ryan and Pitkow further in view of Burke (US6,032,162) is also respectfully traversed. These dependent claims also cover displaying the Web document source activity rates in association with displayed bookmarked Web documents at a receiving Web station, and in addition the high and low

source hit rate indications for the set of bookmarked documents are indicated by different colors.

These dependent claims are submitted to be unobvious over the basic combination of Ryan in view of Pitkow for the same reasons set forth hereinabove for the basic claims. At best, Burke discloses indicating the displayed bookmarks themselves through different colors to indicate different categories of bookmarks. Since the three references either singly or in combination fail to suggest displaying the Web document source activity rates in association with a list of displayed bookmarked Web documents at a receiving Web station, it is not seen what suggestion a reference on classifying displayed bookmarked Web documents based on color would have for indicating high and low Web source hit rates for a set of bookmarked documents by different colors for the displayed hit rates.

Conclusion

In view of the foregoing, it is submitted that:

Claims 1-6, 8-18, 20-30 and 32-36 are unobvious over the combination of Ryan et al. (US6,421,675) in view of the Pitkow Publication (US2002/0016786), and patentable under 35 USC 103(a); and

Dependent claims 7, 19, and 31 are unobvious over the combination of Ryan et al. (US6,421,675) in view of the Pitkow Publication (US2002/0016786), further in view of Burke (US6,032,162) under 35 USC 103(a).

Therefore, is respectfully requested that the Final Rejection of claims 1-36 be reversed, and that the claims be found to be in condition for allowance.

Respectfully submitted,

J. B. Kraft 5/20/05

J. B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

PLEASE MAIL ALL CORRESPONDENCE TO:
Herman Rodriguez
IPLaw Dept. - IMAD 4054
IBM Corporation
11400 Burnet Road
Austin, Texas 78758

VIII. Claims Appendix

1. In a World Wide Web (Web) communication network with user access via a plurality of data processor controlled interactive receiving display stations for displaying received hypertext documents of at least one display page containing text and images transmitted from sources on the Web, a system for bookmarking of selected received Web documents comprising:

means associated with one of said receiving display stations for bookmarking of selected received Web documents to thereby store at said receiving display station, direct links to the sources of said Web documents;

means for tracking the rates of said bookmarked Web documents transmitted from each of said sources during daily time cycles; and

means at said receiving display station for displaying in association with a displayed list of bookmarks for Web documents, data on the rates of transmission of said bookmarked documents at the time of said display.

2. The Web bookmarking system of claim 1 wherein said data on the rates of transmission are indicators at each of said bookmarks.

3. The Web bookmarking system of claim 2 wherein at least one of said Web document sources is a Web site including:

said means for tracking further including

means for tracking the hourly hit rates for requested specific Web documents.

4. The Web bookmarking system of claim 3 wherein at least one of said indicators of said rate of transmission includes:

means for requesting from the Web sites of each of a plurality of Web documents bookmarked at said receiving display station, the hourly hit rates for each bookmarked document; and

means for storing said hourly hit rates.

5. The Web bookmarking system of claim 4 wherein said means for requesting the hourly hit rates of bookmarked Web documents periodically request the hit rates whereby said stored hit rates are periodically updated.

6. The Web bookmarking system of claim 5 wherein said at least one indicator of the rate of transmission indicates both high and low hit rates.

7. The Web bookmarking system of claim 6 wherein said high and low hit rate bookmarked Web documents are indicated by displayed bookmarks of different colors.

8. The Web bookmarking system of claim 6 wherein said high and low hit rate bookmarked Web documents are indicated by displaying the high hit rate bookmarks and low hit rate bookmarks in different menus.

9. The Web bookmarking system of claim 6 further comprising:

Web browsing means at said receiving display station including:

said means for bookmarking of selected received Web documents; and

said means for providing at the displayed bookmark, an indicator of said rate of transmission of said document at the time of said request.

10. The Web bookmarking system of claim 9 wherein said means in said Web browser for providing said indicator of said rate of transmission includes:

means for requesting from the Web sites of each of a plurality of Web documents bookmarked at said receiving display station, the hourly hit rates for each bookmarked documents; and

means for storing said hourly hit rates.

11. The Web bookmarking system of claim 10 wherein said means in said Web browser for requesting the hourly hit rates of bookmarked Web documents periodically request the hit rates whereby said stored hit rates are periodically updated.

12. The Web bookmarking system of claim 11 wherein:

said Web browser further includes means for requesting bookmarked Web documents from their source Web sites; and

said means for periodically requesting hit rates request such hit rates when said bookmarked document is requested whereby said stored hit rates are updated for subsequent requests for said bookmarked document.

13. In a Web communication network with user access via a plurality of data processor controlled interactive receiving display stations for displaying received hypertext documents of at least one display page containing text, and images transmitted from sources on the Web, a method for bookmarking of selected Web documents comprising:

enabling the bookmarking of selected documents received at one of the receiving display stations to thereby store at said receiving display station, direct links to the sources of said Web documents;

tracking the rates of said bookmarked Web documents transmitted from each of said sources during daily time cycles; and

displaying at said receiving display station, in association with a displayed list of bookmarks for Web documents, data on the rates of transmission of the bookmarked document associated with each bookmark at the time of said display.

14. The bookmarking method of claim 13 wherein said data on the rates of transmission are indicators of said rate of transmission at each of said bookmarks.

15. The bookmarking method of claim 14 wherein at least one of said Web document sources is a Web site at which the step of tracking is carried out, and further includes the step of tracking the hourly hit rates for requested specific Web documents.

16. The bookmarking method of claim 15 wherein said indicator of said rate of transmission is provided by the steps of:

requesting from the Web sites of each of a plurality of Web documents bookmarked at said receiving display station, the hourly hit rates for each bookmarked document; and

storing said hourly hit rates.

17. The bookmarking method of claim 16 wherein said step of requesting the hourly hit rates of bookmarked Web documents periodically request the hit rates whereby said stored hit rates are periodically updated.

18. The bookmarking method of claim 17 wherein said step of indicating the rate of transmission indicates both high and low hit rates.

19. The bookmarking method of claim 18 wherein said high and low hit rate bookmarked Web documents are indicated by displayed bookmarks of different colors.

20. The bookmarking method of claim 19 wherein said high and low hit rate bookmarked Web documents are indicated by displaying the high hit rate bookmarks and low hit rate bookmarks in different menus.

21. The bookmarking method of claim 18 further comprising:

a Web browsing process at said receiving display station including:

said step of bookmarking of selected received Web documents; and

said step of providing at the displayed bookmark, an indicator of said rate of transmission of said document at the time of said request.

22. The bookmarking method of claim 21 wherein said step in said Web browsing process for providing said indicator of said rate of transmission includes:

requesting from the Web sites of each of a plurality of Web documents bookmarked at said receiving display station, the hourly hit rates for each bookmarked document; and

storing said hourly hit rates.

23. The bookmarking method of claim 22 wherein said step in said Web browser for requesting the hourly hit rates of bookmarked Web documents periodically requests the hit rates whereby said stored hit rates are periodically updated.

24. The bookmarking method of claim 23 wherein:

said Web browsing process further includes the step of requesting bookmarked Web documents from their source Web sites; and

said step of periodically requesting hit rates requests such hit rates when said bookmarked document is requested whereby said stored hit rates are updated for subsequent requests for said bookmarked document.

25. A computer program having code recorded on a computer readable medium for bookmarking of selected received Web documents in a Web communication network with user access via a plurality of data processor controlled interactive receiving display stations for displaying received hypertext documents of at least one display page containing text and images transmitted from sources on the Web, said program comprising:

means associated with one of said receiving display stations for bookmarking of selected received Web documents to thereby store at said receiving display station, direct links to the sources of said Web documents;

means for tracking the rates of said bookmarked Web documents transmitted from each of said sources during daily time cycles; and

means at said receiving display station for displaying in association with a displayed list of bookmarks for Web documents, data on the rates of transmission of said bookmarked documents at the time of said display.

26. The computer program of claim 25 wherein said data on the rates of transmission are indicators at each of said bookmarks.

27. The computer program of claim 26 wherein at least one of said Web document sources is a Web site including:

said means for tracking further including

means for tracking the hourly hit rates for requested specific Web documents.

28. The computer program of claim 27 wherein said at least one of said indicators of said rate of transmission includes:

means for requesting from the Web sites of each of a plurality of Web documents bookmarked at said receiving display station, the hourly hit rates for each bookmarked documents; and

means for storing said hourly hit rates.

29. The computer program of claim 28 wherein said means for requesting the hourly hit rates of bookmarked Web documents periodically request the hit rates whereby said stored hit rates are periodically updated.

30. The computer program of claim 29 wherein said at least on indicator of the rate of transmission indicates both high and low hit rates.

31. The computer program of claim 30 wherein said high and low hit rate bookmarked Web documents are indicated by displayed bookmarks of different colors.

32. The computer program of claim 30 wherein said high and low hit rate bookmarked Web documents are indicated by displaying the high hit rate bookmarks and low hit rate bookmarks in different menus.

33. The computer program of claim 30 further comprising:
a Web browser program at said receiving display station including:
said means for bookmarking of selected received Web documents; and
said means for providing at the displayed bookmark, an indicator of said rate of transmission of said document at the time of said request.

34. The computer program of claim 33 wherein said means in said Web browser program for providing said indicator of said rate of transmission includes:
means for requesting from the Web sites of each of a plurality of Web documents bookmarked at said receiving display station, the hourly hit rates for each bookmarked documents; and
means for storing said hourly hit rates.

35. The computer program of claim 34 wherein said means in said Web browser program for requesting the hourly hit rates of bookmarked Web documents periodically request the hit rates whereby said stored hit rates are periodically updated.

36. The computer program of claim 35 wherein:
said Web browser program includes means for requesting bookmarked Web documents from their source Web sites; and
said means for periodically requesting hit rates request such hit rates when said bookmarked document is requested whereby said stored hit rates are updated for subsequent requests for said bookmarked document.